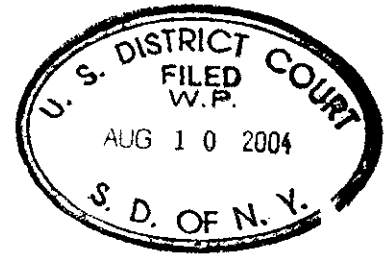


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
STAHLI,

Plaintiff(s),

- against -

TOWN OF NEWBURGH, et al.,

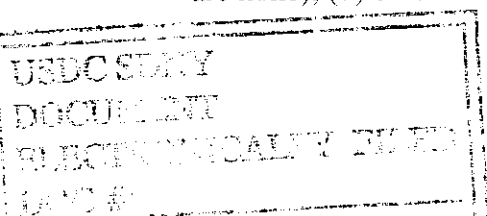
Defendant(s).  
-----X

ORDER

03 Civ. 10202(SCR) (LMS)

Defendants have submitted to the Court for *in camera* review the contents of the personnel file for individual defendant William McLean. The documents from that file that are to be produced to plaintiff are identified below.

In assessing the need for a plaintiff to obtain records from a defendant's personnel file, this Court is obligated to balance the plaintiff's need for disclosure against the municipality's legitimate interest in protecting the confidentiality of the defendant officer's personnel file. The review of the submitted records has been completed with this obligation in mind, and I am satisfied that the documents identified below are both relevant and material for purposes of discovery. I conclude that provision of the following categories of documents is both appropriate and necessary for purposes of discovery in this case, and is not unduly intrusive upon the defendant's privacy. The categories of documents are: (1) performance evaluation forms; (2) founded complaints of mistreatment of civilians (there are none); (3) commendations and awards; (4) documents evidencing internal discipline concerning treatment of civilians (there are none); (5) documents relating to plaintiff (there are none); (6) relevant training documents (there are none); (7) evidence of defendant's knowledge of responsibilities under the constitution, laws.



rules, and regulations of the United States, New York State, and Westchester County (there are none).

Personnel Records for William E. McLean

Manilla folder #1 marked "William E. McLean"

No relevant documents

Manilla folder #2 marked "McLean, William E., Certificates"

11 pages of commendations

4 pages of certificates

Manilla folder #3 marked "Evaluations"

Evaluation signed 12/17/03, 3 pages

Evaluation signed 12/22/02, 3 pages

Evaluation signed 2/13/02, 2 pages

Evaluation signed 12/10/99, 2 pages

Evaluation signed 12/16/98

Evaluation signed 12/18/97

Evaluation signed 12/30/95, 2 pages

Evaluation signed 1/23/95, 2 pages

Evaluation signed 1/19/01, 2 pages

Evaluation signed 1/6/97, 2 pages

Ticket summary, 1/1/96-12/31/96

Evaluation signed 7/23/95, 2 pages

Envelope addressed to Chief John T. Kulisek

No relevant documents

The documents identified above are 8 ½" by 11" pages. Counsel for defendants are hereby directed to make legible copies of the identified documents and produce them to plaintiff's counsel within 5 business days of the date of entry of this Order. To assist counsel in this process, a yellow Post-it note has been appended to each identified document or set of documents.

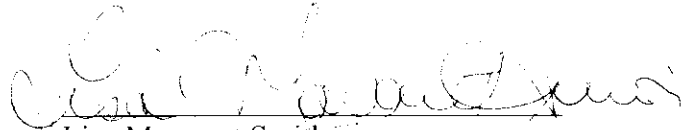
These documents are being produced for purposes of this litigation only, and are to remain confidential. Plaintiff and plaintiff's counsel are directed only to use these documents and

their contents in connection with preparation for this trial. They are to insure that any person to whom these documents are shown or with whom these documents and their contents are discussed are advised that the use of the documents or information contained therein is to be used solely for purposes of this litigation, and are not to be further disseminated or distributed in any way or for any purpose. Any failure to comply with this confidentiality provision may result in the imposition of sanctions, including monetary sanctions, preclusion of evidence at trial, and striking of pleadings.

The Clerk is directed to return the personnel records to counsel for defendants along with a copy of this Order.

Dated: August 10, 2004  
White Plains, New York

**SO ORDERED**

A handwritten signature in cursive script, appearing to read 'Lisa Margaret Smith', written over a horizontal line.

Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York